

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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CHARLIE M. CABRERA,

Plaintiff,

v.

CLARK COUNTY DETENTION CENTER,  
et al.,

Defendant.

Case No. 2:12-cv-00918-MMD-CWH

ORDER

The Court directed plaintiff to file an amended complaint that would correct defects in the original complaint (dkt. no. 4). (Order (dkt. no. 3).) Plaintiff has not filed an amended complaint within the allotted time. The Court will dismiss the Clark County Detention Center, John Doe #1, and Jane Doe #1 for the reasons stated in the Court's earlier order. Furthermore, the Court will dismiss the official-capacity claims against the remaining defendants because, in not filing an amended complaint, plaintiff has not demonstrated that any defendant acted according to official policy or custom. The Court will attempt to serve the complaint upon defendant Neville, who is the remaining named defendant. Two "Doe" defendants remain, and count II relates only to those "Doe" defendants. The Court will not dismiss those defendants, but plaintiff will need to provide the names of those defendants before the action can proceed against them.


IT IS THEREFORE ORDERED that defendants Clark County Detention Center, John Doe #1, and Jane Doe #1, are DISMISSED from this action.

1 IT IS FURTHER ORDERED that the official-capacity claims against defendant  
2 Neville and defendants Jane Doe or John Doe #2 and #3 are DISMISSED from this  
3 action. The individual-capacity claims against these defendants remain.

4 IT IS FURTHER ORDERED that the clerk of the court issue summons to the  
5 remaining named defendants herein, and deliver same with copies of the complaint (dkt.  
6 no. 4) to the U.S. Marshal for service. Plaintiff shall have twenty (20) days in which to  
7 furnish to the U.S. Marshal the required Forms USM-285. Within twenty (20) days after  
8 receiving from the U.S. Marshal a copy of the Form USM-285 showing whether service  
9 has been accomplished, plaintiff must file a notice with the Court identifying which  
10 defendants were served and which were not served, if any. If plaintiff wishes to have  
11 service again attempted on any unserved defendant(s), then a motion must be filed with  
12 the Court identifying the unserved defendant(s) and specifying a more detailed name  
13 and/or address for said defendant(s), or whether some other manner of service should  
14 be attempted. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service  
15 must be accomplished within one hundred twenty (120) days from the date that the  
16 complaint was filed.

17 IT IS FURTHER ORDERED that henceforth, plaintiff shall serve upon defendants  
18 or, if appearance has been entered by counsel, upon the attorney(s), a copy of every  
19 pleading, motion or other document submitted for consideration by the Court. Plaintiff  
20 shall include with the original paper submitted for filing a certificate stating the date that a  
21 true and correct copy of the document was mailed to the defendants or counsel for the  
22 defendants. The Court may disregard any paper received by a district judge or  
23 magistrate judge which has not been filed with the clerk, and any paper received by a  
24 district judge, magistrate judge or the clerk which fails to include a certificate of service.

25 DATED THIS 11<sup>th</sup> day of September 2012.

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28 UNITED STATES DISTRICT JUDGE